

A CERTIFIED TRUE COPY

OCT 13 2006

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**FILED**JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT 27 2006

SEP 27 2006

FILED
CLERK'S OFFICE

DOCKET NO. 1535

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C 06-5049

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**IN RE WELDING FUME PRODUCTS LIABILITY LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-43)**

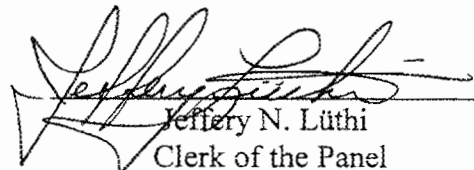
On June 23, 2003, the Panel transferred three civil actions to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 269 F.Supp.2d 1365 (J.P.M.L. 2003). Since that time, 355 additional actions have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable Kathleen McDonald O'Malley.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Ohio and assigned to Judge O'Malley.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Ohio for the reasons stated in the order of June 23, 2003, and, with the consent of that court, assigned to the Honorable Kathleen McDonald O'Malley.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Ohio. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

OCT 13 2006

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

I hereby certify that this instrument is a true and
correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By: Renee Schmitt
Deputy Clerk

1924

SCHEDULE CTO-43 - TAG-ALONG ACTIONS
DOCKET NO. 1535
IN RE WELDING FUME PRODUCTS LIABILITY LITIGATION

DIST. DIV. C.A. #

CASE CAPTION

CALIFORNIA CENTRAL

CAC 2 06-5327

Larry Brengle, et al. v. A.O. Smith Corp., et al.

CALIFORNIA EASTERN

CAE 2 06-1776

Douglas Peruchetti, et al. v. A.O. Smith Corp., et al.

CAE 2 06-1897

Kenneth Pridmore, et al. v. Lincoln Electric Holdings, Inc., et al.

CALIFORNIA NORTHERN

CAN 3 06-4810

David Dickens, et al. v. A.O. Smith Corp., et al.

CAN 3 06-4822

John Lassus, et al. v. Lincoln Electric Holdings, Inc., et al.

CAN 3 06-4825

Harry Battiste, et al. v. A.O. Smith Corp., et al.

CAN 3 06-5049

Joseph Duran v. A.O. Smith Corp., et al.

CAN 4 06-4811

Rufino Ramos v. A.O. Smith Corp., et al.

CALIFORNIA SOUTHERN

CAS 3 06-1589

Jorge Gallardo, et al. v. A.O. Smith Corp., et al.

CAS 3 06-1590

Lawrence Proulx v. A.O. Smith Corp., et al.

CAS 3 06-1596

Michael A. Jones, et al. v. A.O. Smith Corp., et al.

MINNESOTA

MN 0 06-3319

David Mann v. Airco, Inc./BOC Group, Inc., et al.

PENNSYLVANIA WESTERN

PAW 3 06-103

William E. Walsh, Jr. v. Consolidated Rail Corp., et al.

PAW 3 06-104

Charles A. Williams v. Consolidated Rail Corp., et al.

United States District Court
Northern District of Ohio
801 West Superior Avenue
Cleveland, Ohio 44113

October 23, 2006

Northern District of California
Office of the Clerk
P.O. Box 36060
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Re: **MDL 1535 Welding Rod Products Liability Litigation**

Transfer of Civil Cases

Dickens, et al v A.O Smith Corp., et al
Lassus, et al v Lincoln Electric Holdings, Inc., et al
Battiste, et al v A.O. Smith Corp., et al
Duran v A.O. Smith Corp. et al
Ramos v A.O. Smith Corp., et al

NDCA#

3:06-4810 WJA
3:06-4822 JSW
3:06-4825 MSJ
3:06-5049 MSJ
4:06-4811 SBA

Dear Sir/Madam:

Enclosed are certified copies of Conditional Transfer Order (CTO-43) of the Judicial Panel on Multidistrict Litigation directing the transfer of the above referenced civil action(s) to the Northern District of Ohio pursuant to 28 U.S.C. Section 1407. The Honorable Kathleen McDonald O'Malley presides over this litigation.

Once cases have been closed in your District please e-mail the Northern District of Ohio Clerk's Office at the e-mail addresses listed below. We will retrieve documents electronically.

Northern District of Ohio case numbers will be assigned upon receipt of records.

Should you have any questions regarding this request, please call me at the number below.

Sincerely,

Geri M. Smith, Clerk

By _____
Renee Schumitsh
MDL Coordinator
(216) 357-7017

**Renee_Schumitsh@ohnd.uscourts.gov and
Jenny_E_Smolinski@ohnd.uscourts.gov**